

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

BABY G. BENTLEY, §  
§  
Plaintiff, §  
§  
*versus* § CIVIL ACTION NO. 1:04-CV-583  
§  
LINDA S. McMAHON,<sup>1</sup> §  
Commissioner of Social Security §  
Administration, §  
§  
Defendant. §

**MEMORANDUM OPINION ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Court heretofore ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable law and orders of this Court. The Court has received and considered the report of the United States magistrate judge pursuant to such order, along with the record, pleadings and all available evidence. No objections to the report of the United States magistrate judge were filed by the parties.

The court concludes that the findings of fact and conclusions of law of the United States magistrate judge are correct, and the report of the United States magistrate judge is **ADOPTED**. A Final Judgment will be entered separately, reversing the decision of the Commissioner and remanding this action to the Commissioner for reconsideration.

SIGNED at Beaumont, Texas, this 14th day of February, 2007.

*Marcia A. Crone.*

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> Linda S. McMahon was designated Acting Commissioner on January 22, 2007. Linda S. McMahon succeeds Jo Anne Barnhart, who was appointed acting Commissioner effective July 17, 2001. “[A]ny action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.” 42 U.S.C § 405(g).